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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,427	12/15/2003	Jerry Dennis Sacks	1219.02	3965

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EXAMINER
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PEACHES, RANDY

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

.10/736,427

Applicant(s)

SACKS ET AL.

Examiner

Randy Peaches

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/1/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

**Claim 6** is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-21** are rejected under 35 U.S.C. 102(e) as being anticipated by Swartz et al. (U.S. Patent Publication 2003/0020629 A1).

Regarding claim 1, Swartz et al. discloses a system for product selection at a location comprising:

- a wearable wrist input/output unit (90), which reads on claimed "wearable mobile computer," hereinafter referenced as wearable mobile computer, with a memory and a processor (94). See paragraphs [0051 and 0085, FIGURES 3 and 8];

- bar code reader (92) in communication with the said wearable mobile computer (90). See paragraph [0085];
- a viewing and input component consisting of a member of the group:
  - ***a display integral with the wearable mobile computer. See FIGURE 5;***
  - ***a tactile input device in communication with the wearable mobile computer. See paragraph [0104];***
  - a display screen that is a touch screen in communication with the wearable mobile computer; and
  - combinations thereof;
- a speaker, which reads on claimed "audio output device," in communication with the said wearable mobile computer;
- an headset (192), which reads on claimed "audio input device," in communications with the wearable mobile computer. See paragraph [0094];
- text-to-speech software residing in the memory. See paragraph [0098];
- a voice recognition software residing in the memory. See paragraph [0099 and 0101];
- order filling applications software residing in the memory. See paragraph [0060];
- a printer in communications with the wearable mobile computer. See paragraph [0024];
- radio frequency identification (RFID) reader in communication with the wearable mobile computer. See paragraphs [0024 and 0017];

- wherein the wearable mobile computer is further adapted for communication between:
  - an order systems server (810). See FIGURE 7 and paragraphs [0022,0060 and 0063];
  - a user (802). See FIGURE 7
- wherein the order systems server is adapted for communication between the wearable mobile computer at least one base/data transfer station (804), which reads on claimed "external computer system." See paragraph [0062 and 0063].

Regarding **claim 2**, according to **claim 1**, Swartz et al. continues to disclose wherein the bar code reader is either wired or wireless. See paragraph [0023].

Regarding **claim 3**, according to **claim 1**, Swartz et al. continues to disclose wherein the wearable mobile computer is selected from the group: **a handheld computer, a PDA**, and a notepad computer. See paragraph [0093], specifically the last 4 sentences.

Regarding **claim 4**, according to **claim 1**, Swartz et al. continues to disclose wherein the display is a member of the group: **LCD display**, a plasma display, a monochrome display, and a colored display. See paragraph [0085].

Regarding **claim 5**, according to **claim 1**, Swartz et al. continues to disclose wherein the audio output device is a member of the group:

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- a speaker disposed integrally with the wearable mobile computer, a headset with at least one earphone, and an external speaker. See paragraph [0094].

Regarding **claim 6**, according to **claim 6**, Swartz et al. continues to disclose wherein the audio output device is either wired or wireless. See FIGURE 7

Regarding **claim 7**, according to **claim 1**, Swartz et al. continues to disclose wherein the tactile input device is either wired or wireless. See paragraph [0024].

Regarding **claim 8**, according to **claim 1**, Swartz et al. continues to disclose wherein the tactile input device is a keyboard. See paragraph [0104].

Regarding **claim 9** according to **claim 1**, Swartz et al. continues to disclose wherein the text-to-speech software is adapted to convert text to an audio output. See paragraph [0098].

Regarding **claim 10**, according to **claim 1**, Swartz et al. continues to disclose wherein the voice recognition software is adapted to convert an audio signal to text. See paragraph [0099 and 0101];

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Regarding **claim 11** according to **claim 1**, Swartz et al. continues to disclose wherein the order filling applications software is adapted to manage a process for selecting product. See paragraph [0060].

Regarding **claim 12** according to **claim 1**, Swartz et al. continues to disclose wherein the radio frequency identification (RFID) reader is in wireless communication with the wearable mobile computer. See paragraphs [0024 and 0017];

Regarding **claim 13** according to **claim 1**, Swartz et al. continues to disclose wherein the RFID reader is a wireless reader of radio frequency identification data. See paragraphs [0024 and 0017] and FIGURE 17;

Regarding **claim 14** according to **claim 1**, Swartz et al. continues to disclose wherein the order systems server is selected from the group: **a Personal Computer**, a Unix-based<sup>TM</sup> server, an NT<sup>TM</sup> server, a Windows-based<sup>TM</sup> server, and a Linux based server. See FIGURE 7 and paragraph [0062].

Regarding **claim 15** according to **claim 1**, Swartz et al. continues to disclose wherein the external computer system is selected from the group: **a Personal Computer**, a Unix-based<sup>TM</sup> server, an NT<sup>TM</sup> server, a Windows-based<sup>TM</sup> server, and a Linux based server. See FIGURE 7 and paragraph [0062].

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Regarding **claim 16** according to **claim 1**, Swartz et al. continues to disclose wherein the audio input device is a microphone. See FIGURE 17 and paragraph [0099].

Regarding **claim 17** according to **claim 1**, Swartz et al. continues to disclose wherein the printer is in wired or wireless communications with the wearable mobile computer. See FIGURE 8 and paragraph [0085].

Regarding **claim 18** according to **claim 1**, Swartz et al. continues to disclose wherein the word product can mean an object, item, case, containing piece of equipment and any other item that can be selected.

Regarding **claim 19** according to **claim 15**, Swartz et al. continues to disclose wherein the external computer system is a member of the group: customer order system, a customer warehouse management system, loader system server, **an inventory control system and combinations thereof**. See FIGURE 7 and paragraphs [0022,0060 and 0063];

Regarding **claim 20**, according to **claim 15**, Swartz et al. continues to disclose wherein the external computer is wirelessly connected to the order systems server. See FIGURE 7 and paragraphs [0022,0060 and 0063];



Regarding **claim 21** according to **claim 14**, Swartz et al. continues to disclose wherein the order systems server is wireless. See FIGURE 7 and paragraphs [0022,0060 and 0063];

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Randy Peaches  
December 11, 2006

  
**JOSEPH FEILD**  
SUPERVISORY PATENT EXAMINER